IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 18374 of 2003

Between:

B.Rajeswara Rao s/o Papa Rao
R/o Ramagundam., Karimnagar District
Licencee of M/s Raghavendra Wines.

..... PETITIONER

AND

1 Government of Andhra Pradesh, Excise Department., Secretariat.,Hyderabad rep.by its Secretary.
2 The Commissioner for Prohibition and Excise, Government of Andhra Pradesh, Nampally., Hyderabad.
3 The Prohibition and Excise Superintendent, Karimnagar.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate Writ or direction declaring the order of the 1st respondent passed in G.O.Rt.No.621 dated 4-4-2003 confirming the order of 3rd respondent passed in Rc.No.831/P&E/2000/A5 dated 6-10-2001 in rejecting the claim of the petitioner for refund of the licence fee for the period during which he could not conduct the business i.e.25-07-2000 to 13-02-2001 as illegal, arbitrary and violative of principles of natural justice and the consequently direct the respondents to refund the licence fee for the period during which the petitioner could not conduct the business i.e. from 25-07-2000 to 13-02-2001.

Counsel for the Petitioner:MR.A.JAGANNATHA RAO

Counsel for the Respondents: GOVERNMENT PLEADER FOR PROHIBITION AND EXCISE

The Court made the following <u>ORDER</u>:

Heard both sides and at their request, the main writ petition itself is taken up for final disposal.

The petitioner herein, who is a licencee, filed this writ petition, *inter alia*, challenging the order, dated 4-4-2003, of the 1st respondent, confirming the order of the 3rd respondent, dated 6-10-2001, wherein the 3rd respondent rejected the application filed by him for refund of the licence fee for the period during which he could not conduct the business i.e. from 25-07-2000 to 13-2-2001.

The case of the petitioner in brief is that having regard to the fact that the petitioner could not do any business during the aforesaid period, he is entitled for refund of the licence fee. The question involved is no longer *res integra*. This Court has already allowed similar requests as per order, dated 26-09-2002, in W.P.No.15320 of 2002.

Following the said judgment, the writ petition is allowed directing the respondents for refund of the amount to the petitioner as prayed for. No costs.

02-08-2004

GJ

To

1. The Secretary, Government of Andhra Pradesh., Excise Department., Secretariat.,Hyderabad.

2. The Commissioner for Prohibition and Excise, Government of Andhra Pradesh, Nampally, Hyderabad.

3. The Prohibition and Excise Superintendent, Karimnagar.

4. Two C.Cs. to the Government Pleader for Prohibition and Excise, High Court Buildings, Hyderabad.(OUT)

5. Two C.D.Copies.